

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #4	CCRB Case #: 202004165	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 9:15 PM	Location of Incident: Cadman Plaza, East of Cadman Plaza across Brooklyn Bridge Boulevard	Precinct: 84	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 06/10/2020 6:20 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 06/10/2020 6:20 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CCA Jeffrey Maddrey	00000	899501	C A B

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against individuals.	
B. Officers	Force: Officers used physical force against § 87(2)(b)	
C. An officer	Force: An officer struck § 87(2)(b) with a baton.	

## Case Summary

On June 10, 2020, § 87(2)(b) filed this complaint on the CCRB's Call Processing System.

On June 3, 2020, at approximately 9:15 p.m., § 87(2)(b) participated in a protest against police brutality east of Cadman Plaza and across from Brooklyn Bridge Boulevard in Brooklyn. § 87(2)(b) observed unidentified officers push unidentified individuals (**Allegation A: Force,** § 87(2)(g) Unidentified officers then pushed § 87(2)(b) to the ground (**Allegation B: Force,** § 87(2)(g) As § 87(2)(b) exited Cadman Plaza, an unidentified officer hit § 87(2)(b) on the head with a baton (**Allegation C: Force,** § 87(2)(g)

No summonses were issued nor were any arrests made as a result of this incident.

There is no video evidence regarding this incident.

## Findings and Recommendations

**Allegation (A) Force: Officers used physical force against individuals.**

**Allegation (B) Force: Officers used physical force against § 87(2)(b)**

**Allegation (C) Force: An officer struck § 87(2)(b) with a baton.**

## Known facts and general descriptions

§ 87(2)(b) (Board Review 01, 02) testified that he participated in a protest at Cadman Plaza. § 87(2)(b) observed officers push against a line of protestors until it was broken up. As § 87(2)(b) left the location, three officers pushed § 87(2)(b) on his chest until he fell backwards and landed on his back. § 87(2)(b) attempted to get up but was pushed to the ground multiple times by the officers. The officers pulled § 87(2)(b) up by his backpack and then shoved him to the ground. § 87(2)(b) recalled the name of one of the officers who pushed him as "PO Mendez." § 87(2)(b) walked east out of Cadman Plaza and was surrounded by approximately 12 officers. Simultaneously, an officer hit § 87(2)(b) in the back of his head with a baton from behind. § 87(2)(b) yelled and took a knee, and then got up and continued to walk towards the sidewalk and eventually crossed the street. § 87(2)(b) was treated at § 87(2)(b) at approximately 2:00 a.m. § 87(2)(b) received 10 staples on the top of his head.

§ 87(2)(b) could not describe the officers that pushed the line of protestors (Allegation A). § 87(2)(b) identified one of the subject officers of Allegation B as "PO Mendez," and described him as a Hispanic Male, who stood 6'7" tall and was in his late 20's. § 87(2)(b) could not describe the two additional subject officers of Allegation B. § 87(2)(b) could not provide a description of the officer that hit him with a baton because he did not see the officer's face (Allegation C).

The investigation obtained § 87(2)(b)'s medical records (Board Review 10). § 87(2)(b)'s medical records confirmed that he sustained a laceration to the back of his head.

## Body Worn Camera

The NYPD Legal Bureau yielded negative results for BWC footage related to this incident (Board Review 11). Two requests were submitted on June 10 and June 25, 2020, asking for all BWC footage related to a protest on "June 3, 2020, at approximately 9:15 p.m. at Cadman Plaza" and involving § 87(2)(b). In the first request, a search was conducted for "June 3, 2020 between 8:00 p.m. and 10:00 p.m." for the "location" for officers from four Brooklyn precincts (the 88th,

94th, 83rd, and 75th), all Strategic Response Groups, and the Critical Response Command.” In the second request, a search was conducted for “June 3, 2020 between 8:00 p.m.to 11:00 p.m.” for the “location” for two officers, all Strategic Response Groups, the Critical Response Command, CTB, CTTF, ESU, and Narcotics.”

Fourteen additional complaints (CCRB # 202005210, 202004990, 202004772, 202004586, 202004395, 202003911, 202004110, 202004003, 202003966, 202003932, 202003921, 202003901, 202003873, 202005211) that shared the same date, location, and approximate time were filed with the CCRB. 26 BWC requests were submitted for these complaints, eight of which came back positive. 19 BWCs were obtained from the nine positive results. None of the videos captured § 87(2)(b)s interactions with the officers.

### **NYPD Documents Reviewed**

The investigation obtained the Detailed Roster for the protests on June 3, 2020 (30 pages in length) and the 77<sup>th</sup> Precinct Tour 3 Roll Call for June 3, 2020 (10 pages in length) (Board Review 03) (Board Review 04). No documents pertaining to § 87(2)(b) were obtained.

The Detailed Roster revealed that approximately 19 white shirted and 134 uniformed officers were deployed to various parts of Brooklyn on June 3, 2020. Of the 134 uniformed officers, 86 were Hispanic or White males, none of which were named “Mendez” (Board Review 05). The 77<sup>th</sup> Precinct Tour 3 Roll Call for June 3, 2020, listed 45 uniformed officers working, 13 of which were specifically assigned to the George Floyd Protest, the Brooklyn Bridge, and Metrotech. All three locations are in the vicinity of Cadman Plaza (Board Review 06). Five of the officers assigned to the above posts were Hispanic males. None of these officers had the name “Mendez” or any variation of it.

### **Concurrent Investigations**

On November 17, 2020, Sergeant Salvatore Desiano, of the Internal Affairs Bureau (IAB), confirmed that no concurrent IAB investigation exists for this complaint.

There are no other concurrent investigations regarding this incident.

### **Ranking Officers**

Chief Maddrey, the Chief of the Community Affair Bureau, was identified as the highest-ranking officer at the Cadman Plaza protests on June 3, 2020.

### **Officers Interviewed**

On February 12, 2021, the CCRB interviewed Chief Jeffrey Maddrey (Board Review 12). Chief Maddrey was provided with a photo of § 87(2)(b) and he did not recognize him (Board Review 13). Chief Maddrey at no point instructed officers to “break the line of civilians” standing at the protest, and he did not observe any supervisors instruct officers to do so. Chief Maddrey did not observe any officers shove a civilian wearing a backpack to the ground multiple times. Chief Maddrey was not aware of an “Officer Mendez” working at Cadman Plaza during this incident. Chief Maddrey did not observe any officer strike any civilian on the head with a baton.

### Allegation Recitation and Disposition

§ 87(2)(g)

### Civilian and Officer CCRB Histories

This is the first complaint to which § 87(2)(b) has been a party (Board Review 07).

### Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- § 87(2)(b)
- § 87(2)(b), filed a Notice of Claim § 87(2)(b) with the City of New York claiming physical pain and suffering, mental distress, anguish, humiliation, and loss or deprivation of civil rights. § 87(2)(b) is seeking compensatory damages, punitive damages, attorney's fees and costs in an amount to be determined at trial, and \$5,000,000.00 as redress. § 87(2)(b)

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Squad No.: 4

Investigator: Charis Jones      Inv. Charis Jones      03/02/2021  
Signature      Print Title & Name      Date

Squad Leader: Raquel Velasquez      IM Raquel Velasquez      03/02/2021  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date